

Chairperson John R. Clark
Vice-Chairperson Michael Parks
Parliamentarian Don Maxwell



Commissioners
Michael Beckendorf
John Bond
Helen Chavarria
Ralph Davila
Robert Horton
G.H. Jones

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JUNE 5, 2008
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER.

Chairperson Clark called the regular meeting to order at 6:05 p.m.

Commissioners	Present	2008 Regular Meetings Held	2008 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	11	7	12	9
Johnny Bond	Yes	11	11	12	12
Helen Chavarria*	Yes	11	9	12	9
John R. Clark	Yes	11	11	12	12
Ralph Davila	Yes	11	11	12	12
Robert Horton	Yes	11	9	12	12
G. H. Jones	Yes	11	11	12	12
Don Maxwell	No	11	7	12	10
Michael Parks	Yes	11	8	12	11

Staff members present: Ms. Lindsey Guindi, Planning Manager; Mr. Martin Zimmermann, Senior Planner; Mr. Kevin Russell, Director of Development Services; Mr. Michael Gary, Assistant City Attorney; and Ms. Kelli Hill, Planning Intern.

Chairperson Clark announced that consideration of Regular Agenda item #6 will be postponed until the Commission's next regular meeting on June 19, 2008, due to an inadvertent notification error.

2. HEAR CITIZENS.

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

Mr. Michael Gary, Assistant City Attorney, advised that Commissioner Horton had filed an affidavit for regular agenda item #8 (Planning Variance PV08-16). Commissioner Horton will not participate in deliberation or voting on this agenda item.

4. Planning Variance PV08-18:

R. Haynes

A request for a variance from the minimum 7.5-foot side building setback generally required on lots in residential zoning districts, to allow a replat of the lot. The proposed replat will place a side lot line 6.57 feet from an existing residence on the subject property in the Briarcrest Valley Subdivision - Phase 7 in Bryan, Brazos County, Texas.

Ms. Lindsey Guindi, Planning Manager, presented a staff report (on file in the Development Services Department). Staff recommends approval of this variance request based on the following findings:

- Granting an 11-inch variance, under these particular circumstances, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the area;
- If the ordinance is strictly observed, the property owner will be required to place the new property line 11 inches onto the existing driveway which will create a confusing property ownership condition that will follow owners of the properties for years;
- Since structures exist on the subject lot and the lot adjacent to the encroachment, staff is comfortable that this variance will not cause a separation or overcrowding issue; and
- The general public will not benefit from strict observance of the standard in this case.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve Planning Variance PV08-18, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Commissioner Parks remarked that this variance will allow the two property owners to deal with the property.

Responding to a question from Chairperson Clark, Ms. Guindi stated that she was not aware of any negative comments pertaining to this issue.

The motion passed with a unanimous vote.

5. Replat RP08-10:

R. Haynes

A request to replat Lot 12 of Briarcrest Valley Subdivision, Phase 7 and Lot 2, Block 3 of Penner Place Subdivision located in Bryan, Brazos County, Texas.

Ms. Guindi explained that this item concerns the same property that was subject of the variance request PV 08-18, which the Commission just approved. With approval of that variance, the proposed replat meets all applicable regulations. Staff recommends approving the proposed replat.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve the Replat RP08-10 as requested. Commissioner Jones seconded the motion.

Commissioner Parks stated that when the variance and replat issue are taken collectively, approving the request makes sense.

The motion passed with a unanimous vote.

6. Planning Variance PV08-13:

J. Fulgham

A request to allow a complete variance from the required 25-foot front set back located at 500 Ash Street, Lot 10 of Block 40 in the Oak Grove Park Subdivision in Bryan, Brazos County, Texas.

Chairperson Clark reiterated that consideration of this item was postponed until the Commission's next regular meeting on June 19, 2008.

7. Planning Variance PV08-14:

R. Haynes

A request to allow driveway separation variances for five driveways at 1200 W William Joel Bryan Parkway, Lots 1 thru 10 and part of alley of Block 250 in the Bryan Original Townsite Subdivision in Bryan, Brazos County, Texas.

Ms. Guindi presented a staff report (on file in the Development Services Department). She stated that the design, as requested, fails to meet over 15 ordinance requirements. She presented a list of the different variances inadvertently requested under this one request. Staff recommends the installation of an entry/exit drive on Brazos Avenue and a possible "right only" exit onto West William Joel Bryan Parkway (WJB). Ms. Guindi stated that any driveway connecting to WJB must be approved by the Texas Department of Transportation. Staff is prepared to work with the applicant on a new design for the property, and finds that granting the variances, as requested, will be detrimental to the public health, safety, and welfare. Staff contends that granting the variances, as requested, will have an adverse affect on development of this and other property in the area. For these reasons, staff recommends denial of the requested variance.

Commissioner Parks commented that the Commission is being asked to grant a variance to which they do not know what the variance distance is because it is not shown on the drawing.

Responding to a question from Commissioner Parks, Ms. Guindi commented that there has been some discussion between the staff and the applicant and that the applicant is aware that staff is recommending denial of the variance.

Responding to a question from Commissioner Davila, Ms. Guindi stated that should the Commission deny the request, the applicant can return to the Commission with other variance requests and that there were no variance combination or time restrictions.

Commissioner Parks asked if there had been any communication with the Texas Department of Transportation about this issue, to which Ms. Guindi replied that there had not been any from the City.

Chairperson Clark asked if there had been any opposition to this issue from neighbors, to which Ms. Guindi replied that there had not been any

The public hearing was opened.

Mr. Raymond Metcalf, 1391 Seamist Lane, College Station, representing the applicant, came forward to speak in support of the request. He stated that in 2005, an identical site plan had been approved by City staff. He added that a Texas Department of Transportation permit was issued for the driveway, and project construction was started. He presented and explained pictures of the site. He stated that due to financial complications, construction was halted. When the lead designer of the site recently contacted him about the predevelopment meeting, he was told that they were going to need some variances. He inquired about the Texas Department of Transportation permit that was needed and was told by Jay Page that it would be issued at any time.

Responding to a question from Commissioner Beckendorf, Mr. Metcalf presented to the Commission a schematic that illustrated the site plan, and said that he did not have the Texas Department of Transportation permit in hand.

Responding to questions from Commissioner Davila, Mr. Metcalf stated that construction began in 2005, but the site was not developed at that time. He stated that the current layout is the same layout that was approved by City staff before. Mr. Metcalf went on to say that the parking to the rear of the property will include an entry on Short Avenue and an exit on Brazos Avenue.

Responding to a question from Commissioner Davila, Mr. Metcalf stated that whatever is done to the property will be a vast improvement upon the current aesthetics of the site and controlling traffic flow.

Responding to questions from Chairperson Clark, Ms. Guindi stated that whatever was approved three years ago has expired, and that although the ordinance may not have changed, policies may have changed since it first went through site review.

Mr. Jay Im, 1201 W. WJB, Bryan, came forward to inquire about what exactly is going to be on the site if this case is approved. Ms. Guindi addressed his question and said it will be a retail center, specifically a convenience store with gas pumps.

Mr. Charles Taylor, 1602 Panther Lane, College Station, lead designer on the project, came forward to speak in favor of the request.

Responding to questions from Chairperson Clark, Ms. Guindi stated that if the Commission were to grant this variance, the previously approved site plan had expired and would have to be resubmitted for approval by the Site Development Review Committee. She stated that staff understands the need

for a variance from driveway separation standards in this case, as the property cannot be developed without one, but that staff was in support of one or two variances, not five or more.

Ms. Guindi also stated that while the ordinances did not change in the three years since the project began, staff, policies, and development directions in the city have changed. She said that the City has also developed a focus on transportation planning with an emphasis on traffic safety, which is another change that has occurred. She presented these reasons as to why the plan was approved three years ago and why staff is not in support of it today.

The public hearing was closed.

Mr. Gary pointed out that the fact that previous plans and permits have been approved and have expired is irrelevant to this decision.

Commissioner Parks moved to deny Planning Variance PV08-14, accepting the findings of staff. Chairperson Clark seconded the motion.

Commissioner Parks said he does not feel comfortable granting 15 variances without exact measurements. He stated that staff has expressed interest in working with the applicant, and he does not think anyone in this room is unwilling to see this redevelopment take place.

Chairperson Clark clarified that this does have to go back through site plan review, and therefore he thought it would be wise not to grant the variance at this time.

Responding to a question from Commissioner Bond, Ms. Guindi stated that the Commission is approving the exact location of the five proposed driveways.

Commissioner Davila agreed with Commissioner Parks in that trying to approve the variance without adequate locations is not wise.

Commissioner Beckendorf commented that he agreed with the infill development, and he would like to vote on some type of variances for the driveways.

Commissioner Bond stated that he agreed with the other Commissioners and would like to encourage development of this property.

Chairperson Clark remarked that he also hopes that the staff and developer get together quickly and get this back before the Commission.

Commissioner Chavarria was also in agreement with the Commissioners and stated that they could approve something with additional information.

The motion passed with a unanimous vote.

8. Planning Variance PV08-16:

R. Haynes

A request to allow a 5 foot variance from the minimum 15-foot side building setback required on property adjoining a major collector street (Cavitt Avenue) in a Mixed Use (MU-2) zoning district, to allow construction of a new commercial building to extend to within ten feet of the property line

located at 401 Dellwood, Lots 13 and 14 (proposed lot 14R) in Block 6 of the Mitchell-Lawrence-Cavitt Addition in Bryan, Brazos County, Texas.

Commissioner Horton left Council Chambers at 6:57 p.m. and did not return.

Ms. Guindi presented a staff report (on file in the Development Services Department). She stated that staff finds that granting the five foot variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the area. She also stated that the development of this property will inject new vitality in the neighborhood, and such development can spur nearby redevelopment, improving the overall public welfare. She said that the general public will not benefit from strict observance of the standard in this case, which will require the property owner to place the new building an additional five feet from the side property line which will cause the distance between the building and the customer parking area to be at the minimum limit. Staff finds that, in this case, varying from the required 15-foot setback will be in the public's best interest, and recommends approving the request.

Responding to questions from Commissioners Davila and Parks, Ms. Guindi stated that the 15-foot side building setback will affect parking and will narrow the depth of parked cars, and that this variance is not going to affect any issues with fire safety.

The public hearing was opened.

Mr. Jay Im, 1201 W. WJB, Bryan, came forward to inquire about what exactly is going to be on the site if this case is approved. Ms. Guindi stated that it will be retail.

Mr. Christian Galindo, 3107 Rolling Glen, Bryan, engineer/surveyor for the applicant, came forward to speak in favor of the request. He stated that he worked diligently with City staff to accommodate all requirements and has reduced the scope and size of the project to accomplish this. The main reason for the reduction of the width of the building setback line on Cavitt Avenue is that it would allow an additional two feet of driveway, which would require a variance to that situation rather than variance to building line. After working with Staff, he saw that it was preferable to have a reduction in the building line and increase the driveway width to improve the safety of the project. He also stated that the alignment of the new building would not be off considering other buildings on the same street, and would conform to the nature of that location.

The public hearing was closed.

Commissioner Parks moved to approve Planning Variance PV08-16, as requested, accepting the findings of staff. Commissioner Bond seconded the motion.

Commissioner Parks said that this shows an example of a developer working with the staff to create the best possible solution, mitigating safety hazards and creating a site that will enhance the property.

Chairperson Clark agreed with Commissioner Parks' comments.

The motion passed with a unanimous vote.

9. ADJOURN

Without objection, Chairperson Clark adjourned the meeting at 7:05.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the **19th** day of **June, 2008**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission